

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re Cattle and Beef Antitrust Litigation

Case No. 22-md-3031 (JRT/JFD)

This Document Relates to:
ALL ACTIONS

ORDER

Pursuant to the Stipulation to Modify Pretrial Scheduling Order [ECF No. 115] entered into by the parties, and finding that good cause has been shown,

IT IS HEREBY ORDERED that the Pretrial Scheduling Order [Case No. 20-cv-1319, ECF Nos. 571, 628] is MODIFIED as follows:

General Case Deadlines¹

<u>Event</u>	<u>New Deadline</u>
Current Direct Action Plaintiffs (“Current DAPs”) to serve Initial and Attachment 1 disclosures. (The term “Current DAPs” refers to those DAPs with cases that have been consolidated in this MDL as of the date of this Order. The term “New DAPs” refers to those DAPs with cases that are consolidated in this MDL after the date of this Order.)	December 15, 2022
Structured data productions complete	Defendants and Class Plaintiffs to complete production of the core datasets concerning cattle procurement, cattle slaughter, and beef sales: December 22, 2022

¹ DAPs have informed Defendants that certain DAPs need a brief extension to comply with previously agreed-upon deadlines reflected in the chart, deadlines which have not yet been ordered by the Court and have since passed. Defendants and those DAPs have agreed that those DAPs shall have until January 18, 2023 to meet such deadlines, and any subsequent related deadlines in the chart shall be extended by three business days.

<u>Event</u>	<u>New Deadline</u>
	Defendants and Class Plaintiffs to substantially complete production of structured data for any additional data topics that were agreed to or ordered: January 13, 2023
Current DAPs to serve proposed lists of custodians and non-custodial sources	December 22, 2022
<i>Specht</i> Plaintiffs to serve initial and Attachment 1 disclosures	January 4, 2023
Current DAPs to serve responses and objections to RFPs that were served on most current DAPs on November 15, 2022 and December 6, 2022	January 10, 2023
Defendants to serve counterproposals to the Current DAPs' proposed lists of custodians and non-custodial sources	January 10, 2023
<i>Specht</i> Plaintiffs to serve proposed lists of custodians and non-custodial sources	January 11, 2023
Current DAPs to serve First Phase proposed search terms pursuant to the Search Methodology Order	January 13, 2023
Defendants to serve counterproposals to the <i>Specht</i> Plaintiffs' proposed lists of custodians and non-custodial sources	January 20, 2023
Defendants to serve proposed revisions to Current DAPs' First Phase proposed search terms	January 27, 2023
Rolling Productions to begin by newly added parties in consolidated Actions	<p>A responding party shall begin rolling productions of documents within 60 days after the date that the responding and serving parties reach agreement on the scope of documents to be produced (including the scope of requests for production, custodians, sources, search methodology, and date ranges).</p> <p>Defendants have produced to DAPs a copy of documents produced previously in the related</p>

<u>Event</u>	<u>New Deadline</u>
	<p>case 20-cv-1319 and the MDL to date. DAP Liaison Counsel will provide copies of all Defendants' then current document productions to New DAPs within 14 days of New DAPs' consolidation into the MDL.</p> <p>DAP Liaison Counsel will also provide the New DAPs with copies of all of the then current discovery requests and responses served to date in the MDL within 14 days of New DAPs' consolidation into the MDL.</p>
<p>Current DAPs shall file a single Consolidated Complaint in this MDL within 60 days from the entry of Pretrial Order No. 2 (on December 1, 2022)</p> <p>ECF No. 91</p>	<p>By January 30, 2023 (<i>as ordered by the Court</i>)</p>
<p>The parties shall file a proposed order ... (1) governing the process by which any future MDL DAP shall join the Consolidated Complaint, including a proposed short-form complaint if appropriate, and (2) governing the process by which Defendants shall answer or otherwise respond to complaints filed by any future MDL DAPs (or by which their prior answer to the Consolidated Complaint shall apply to complaints filed by any future MDL DAPs).</p> <p>ECF No. 91</p>	<p>By January 30, 2023 (<i>as ordered by the Court</i>)</p>
<p>Defendants will answer or otherwise respond to the Current DAPs' Consolidated Complaint within 30 days after the filing of the Consolidated Complaint</p> <p>ECF No. 91</p>	<p>Defendants will answer or otherwise respond to the Current DAPs' Consolidated Complaint within 30 days after the filing of the Consolidated Complaint (<i>as ordered by the Court</i>).</p>

<u>Event</u>	<u>New Deadline</u>
Defendants to serve any motion to dismiss the <i>Specht</i> Plaintiffs' complaint	February 3, 2023
Current DAPs to produce structured data	March 1, 2023
Productions for Defendants' 5 Priority Custodians to be completed	March 1, 2023
<i>Specht</i> Plaintiffs to serve opposition to any motion to dismiss the <i>Specht</i> Plaintiffs' complaint	March 20, 2023
Productions for 3 Priority Custodians per Plaintiff Class and 2 Priority Custodians per DAP to be completed. But if any proposed Plaintiff Class or DAP has less than 3 document custodians, production from only 1 Priority Custodian needs to be completed by this date.	April 3, 2023
Defendants to serve reply in support of any motion to compel the <i>Specht</i> Plaintiffs' complaint	April 17, 2023
Document productions substantially complete	<p>August 22, 2023</p> <p>Parties will also certify to a reasonable certainty when production of each of their custodians' documents are substantially complete.</p> <p>This deadline includes Defendants, Class Plaintiffs, and DAPs, with a limited exception for New DAPs set forth separately below.</p>
Motions to amend the pleadings (without leave of Court)	October 3, 2023
Class certification motions and Plfs. serve class cert. expert reports	April 25, 2024

<u>Event</u>	<u>New Deadline</u>
Defs.' class cert. oppositions, Defs.' Class cert. Daubert motions, and Defs. serve class cert. expert reports	June 27, 2024
Fact discovery completed	August 7, 2024
Plfs.' class cert. replies, Plfs.' class-cert.-related Daubert motions, Plfs.' opps. to Defs.' Daubert motions, and Plfs. serve any class cert. expert rebuttal reports	September 5, 2024
Defs.' opps. to Plfs.' Daubert motions, and Defs.' replies ISO Defs.' Daubert motions	October 14, 2024
Plfs.' replies ISO Plfs.' Daubert motions	November 25, 2024
Additional deadlines related to trial experts and other deadlines	At the close of fact discovery, the parties should meet and confer about setting merits expert discovery deadlines and present a proposal to the Court within 60 days after that deadline.

Other Specific Deadlines for New DAPs

<u>Event</u>	<u>New Deadline</u>
New DAPs to serve responses and objections to RFPs previously served on existing DAPs, which will be deemed served on new DAPs	40 days after a New DAP case is commenced. (A New DAP case is "commenced" when it is either filed in this Court, or upon its effective transfer to this Court, which occurs, consistent with JPML Rule 2.1(d), when an order to transfer pursuant to 28 U.S.C. § 1407 issued by the JPML is filed with the clerk of this Court as the transferee district court.)
New DAPs to serve initial and Attachment 1 disclosures	28 days after a New DAP case is commenced.

<u>Event</u>	<u>New Deadline</u>
New DAPs to serve proposed lists of custodians and non-custodial sources	35 days after a New DAP case is commenced.
Defendants to serve counterproposals to the New DAPs' proposed lists of custodians and non-custodial sources	14 days after receiving proposals.
New DAPs to serve First Phase proposed search terms pursuant to the Search Methodology Order	14 days after service of responses and objections to deemed-served RFPs
Defendants to serve proposed revisions to New DAPs' First Phase proposed search terms	14 days after service of New DAPs' First Phase proposed search terms (per SMO, ECF No. 572, Case No. 20-cv-1319)
New DAPs to produce structured data	35 days after service of responses and objections to deemed-served RFPs
New DAPs to begin rolling productions	30 days after parties reach agreement on scope of productions including date ranges, custodians and non-custodial sources, and search terms.
New DAPs' document productions substantially complete	120 days after rolling productions begin. *If a New DAP case is commenced within 120 days of the substantial completion deadline for the existing parties (proposed herein as August 22, 2023) or after that deadline, document productions must be substantially complete 60 days after the parties reach agreement on the scope of productions.

Additional Provisions

1. The following orders, as modified by any subsequent orders, shall apply to and bind all current and future parties in the MDL: the Protective Order, Case No. 20-cv-1319 (JRT/JFD), ECF No. 123; the ESI Protocol, *id.*, ECF No. 93; the Order on Joint Stipulation Regarding *Ex Parte* Witness Contact Disclosures, *id.*, ECF No. 134; the Search

Methodology Order, *id.*, ECF No. 572; the Order for Deposition Protocol, *id.*, ECF No. 573; and the discovery limits in the Initial Pretrial Scheduling Order, *id.*, ECF No. 571 (except as noted in footnote 2).²

2. This Order (and all of the Court's subsequent orders, both procedural and substantive), and likewise all discovery conducted in this MDL, will apply to all cases that later are consolidated in the MDL docket, including any tag-along cases or other cases transferred to this Court after the date of this order.

3. Absent good cause, if a DAP or other new party seeks to serve new written discovery requests on any Defendant or seeks to serve new third party subpoenas, the DAP or other new party must avoid duplicating the discovery that has already been taken in this *In re Cattle and Beef Antitrust Litigation* and coordinate with other Plaintiffs concerning the need for any such additional discovery, taking into consideration relevance and the proportionality factors of Fed. R. Civ. P. 26(b). To the extent that a DAP or other new party decides to pursue additional discovery, Defendants reserve all rights to object to the discovery.

Dated: January 24, 2023

s/ John F. Docherty

JOHN F. DOCHERTY
United States Magistrate Judge

² The DAPs maintain that they should not be bound by certain discrete provisions of certain of these prior orders (specifically, Sections II.B.F.1-3 and II.B.G.1-3 of the Search Methodology Order, Sections V.B.1-2 of the ESI Protocol, and Section III.C of the Deposition Protocol) and do not stipulate to those provisions. The DAPs and the other Parties shall continue to negotiate in an attempt to reach an amicable resolution to this issue and possible alternatives to those provisions in advance of the January 24, 2023 status conference.